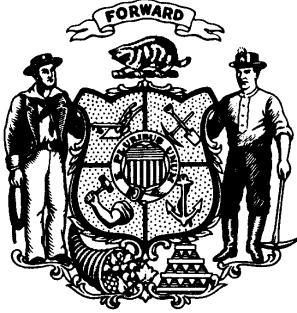


State of Wisconsin



1997 Senate Bill 68

Date of enactment: **April 28, 1997**

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1997 WISCONSIN ACT 3

AN ACT *to amend* 13.83 (3) (f) 2., 15.105 (22), 15.155 (1) (a) 2., 15.197 (11n) (a) 1., 15.22, 15.223 (1), 15.223 (2), 15.225 (1), 15.225 (2) (a), 15.225 (2) (c), 15.227 (1), 15.227 (3), 15.227 (4), 15.227 (5) (intro.), 15.227 (8), 15.227 (9), 15.227 (11), 15.227 (13), 15.227 (14), 15.227 (17) (a), 15.227 (24) (a) (intro.), 15.227 (24) (a) 1., 15.94 (2), 16.48 (1) (intro.), 16.48 (2), 16.48 (3), 16.53 (1) (d) 2., 16.75 (6) (bm), 16.765 (10), 20.445 (intro.), 20.445 (1) (title), 20.445 (1) (sm), 20.445 (3) (p), 20.505 (4) (kp), 20.923 (4) (e) 3., 20.923 (4) (e) 4., 20.923 (4) (f) 4., 36.11 (6) (a) 2., 38.30 (1) (b), 38.51 (6) (b) 1., 40.02 (25) (a) 3., 40.02 (54) (f), 40.63 (6), 40.65 (2) (a), 40.65 (2) (b) 3., 40.65 (2) (b) 4., 45.35 (6), 45.35 (9), 45.35 (10), 45.397 (2) (a), 45.50 (1) (b), 46.03 (7) (bm), 46.10 (14) (b), 46.10 (14) (e) 4., 46.215 (1) (d), 46.215 (1) (j), 46.215 (2) (a) 2., 46.215 (2) (b), 46.215 (2) (c) 2., 46.215 (3), 46.22 (1) (b) 2. (intro.), c. and e., 46.22 (1) (b) 3. (intro.) and d., 46.22 (1) (d), 46.22 (1) (e) 1., 46.22 (1) (e) 2., 46.22 (1) (e) 3. b., 46.22 (2g) (d), 46.22 (3m) (b) 12., 46.22 (3m) (b) 17. b., 46.23 (3) (a), 46.23 (3) (am) 4., 46.23 (5) (a) 2., 46.23 (5) (b), 46.23 (5m) (c), 46.23 (6) (a) (intro.), 46.23 (6) (a) 3., 46.247, 46.29 (3) (c), 46.495 (1) (d), 46.495 (1) (dc), 46.495 (1) (f) 1., 46.56 (14) (a) (intro.), 46.90 (4) (b) 2. b., 47.01 (1m), 48.30 (6), 48.31 (7), 48.357 (5m), 48.36 (1) (b), 48.363 (1), 48.57 (3m) (a) 1., 48.57 (3m) (d), 48.57 (3m) (e), 48.57 (3p) (fm) 1., 49.001 (9), 49.11 (1), 49.11 (2), 49.153 (3) (a) 1., 49.153 (3) (f) 2., 49.153 (4) (d) 4., 49.193 (1) (c), 49.26 (1) (d), 49.45 (6m) (br) 1., 49.45 (40), 49.81 (intro.), 49.82 (1), 49.85 (1), 49.85 (2) (b), 49.85 (3) (b) (intro.), 49.85 (3) (b) 1., 49.85 (3) (b) 2., 49.85 (3) (b) 3., 49.85 (3) (b) 4., 49.85 (3) (b) 5., 49.85 (4) (b), 49.85 (5), 49.855 (1), 49.855 (2), 49.855 (4), 49.855 (4m) (c), 49.855 (5), 49.855 (7), 49.86, 49.89 (2), 49.89 (6), 49.89 (7) (d) 2., 49.90 (2), 49.90 (2g), 59.40 (2) (p), 59.53 (5), 59.69 (4e), 60.61 (3m), 62.23 (7) (hm), 66.293 (1) (b), 66.293 (1) (h), 66.46 (6c) (a), 66.46 (6c) (b), 66.521 (6m), 69.15 (3) (b) 3., 71.67 (7) (a) and (b) (intro.), 71.67 (7) (c) 2., 71.93 (1) (a) 2., 71.93 (1) (a) 4., 77.265 (4), 84.25 (11), 101.055 (8) (ag), 102.01 (2) (ap), 102.01 (2) (em), 102.08, 102.42 (8), 102.61 (1m) (c), 102.61 (1m) (f), 102.61 (2), 102.64 (1), 102.64 (2), 102.82 (2) (c), 103.001 (3), 103.001 (15), 103.005 (20), 103.10 (12) (a) 2., 103.50 (4), 103.50 (5), 103.50 (6), 104.01 (1), 106.13 (2), 108.02 (10), 108.105, 108.13 (4) (b), 108.141 (6) (a), 108.142 (5), 109.01 (1), 111.32 (4), 115.347, 118.125 (2) (i), 118.16 (2) (d), 118.163 (2) (e), 167.10 (6m) (f), 175.45 (9), 215.04 (1) (f), 227.03 (3m) (a), 227.43 (1) (by), 227.43 (2) (d), 227.43 (3) (d), 227.43 (4) (d), 227.52, 227.59, 230.08 (2) (e) 6., 230.147 (1), 230.147 (2), 234.49 (1) (c), 236.335, 301.45 (9), 303.07 (7), 303.21 (1) (a), 443.06 (2) (e), 443.06 (2) (em), 445.095 (3), 454.10 (1), 560.15 (1) (intro.), 560.15 (1) (b) 1., 560.15 (3) (c) 6., 560.73 (1) (i) 1., 560.73 (1) (i) 2., 560.75 (11), 560.795 (3) (e), 560.797 (4) (e), 565.30 (5), 565.30 (5m), 626.12 (3), 626.125 (3), 626.32 (1) (a), 645.47 (1) (a), 767.001 (1d), 769.31 (1), 893.44 (2), 905.15 (1), 938.342 (1) (e), 940.207 (title), 940.207 (2) (intro.), 940.207 (2) (a), 946.15 (1), 946.15 (2), 946.15 (3) and (4), 973.05 (5) (g) and 978.05 (4m); and **to repeal and recreate** 46.495 (1) (d), 46.495 (1) (dc), 46.495 (1) (f) 1., 48.57 (3m) (d) and 48.57 (3m) (e) of the statutes; **relating to:** changing the name of the department of industry, labor and job development to the department of workforce development.

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.83 (3) (f) 2. of the statutes is amended to read:

13.83 (3) (f) 2. The department of ~~industry, labor and job~~ workforce development.

SECTION 2. 15.105 (22) of the statutes is amended to read:

15.105 (22) STATE USE BOARD. There is created a state use board which is attached to the department of administration under s. 15.03. The board shall consist of 8 members appointed to serve for 4-year terms, including a representative of the department of administration; a representative of the subunit of the department of health and family services which administers mental health laws; a representative of the subunit of the department of ~~industry, labor and job~~ development workforce development which administers vocational rehabilitation laws; 2 representatives of private businesses, one of whom shall represent a small business; one representative of a work center, as defined in s. 16.752; and one member who does not represent any of the foregoing entities. A member vacates his or her office if the member loses the status upon which his or her appointment is based. In this subsection, “small business” means an independently owned and operated business which is not dominant in its field and which has had less than \$2,500,000 in gross annual sales for each of the 2 previous calendar years or has 25 or fewer employees.

SECTION 3. 15.155 (1) (a) 2. of the statutes is amended to read:

15.155 (1) (a) 2. The secretary of ~~industry, labor and job~~ workforce development or the secretary’s designee.

SECTION 4. 15.197 (11n) (a) 1. of the statutes is amended to read:

15.197 (11n) (a) 1. The secretary of ~~industry, labor and job~~ workforce development.

SECTION 5. 15.22 of the statutes is amended to read:

15.22 (title) Department of ~~industry, labor and job~~ workforce development; creation. There is created a department of ~~industry, labor and job~~ workforce development under the direction and supervision of the secretary of ~~industry, labor and job~~ workforce development.

SECTION 6. 15.223 (1) of the statutes is amended to read:

15.223 (1) DIVISION OF EQUAL RIGHTS. There is created in the department of ~~industry, labor and job~~ workforce development a division of equal rights.

SECTION 7. 15.223 (2) of the statutes is amended to read:

15.223 (2) DIVISION OF WORKFORCE EXCELLENCE. There is created in the department of ~~industry, labor and job~~ workforce development a division of workforce excellence.

SECTION 8. 15.225 (1) of the statutes is amended to read:

15.225 (1) LABOR AND INDUSTRY REVIEW COMMISSION. There is created a labor and industry review commission which is attached to the department of ~~industry, labor and job~~ workforce development under s. 15.03, except the budget of the labor and industry review commission shall be transmitted by the department to the governor without change or modification by the department, unless agreed to by the labor and industry review commission.

SECTION 9. 15.225 (2) (a) of the statutes is amended to read:

15.225 (2) (a) *Creation.* There is created a Wisconsin conservation corps board which is attached to the department of ~~industry, labor and job~~ workforce development under s. 15.03.

SECTION 10. 15.225 (2) (c) of the statutes is amended to read:

15.225 (2) (c) *Liaison representatives.* The secretary of agriculture, trade and consumer protection, the secretary of health and family services, the secretary of ~~industry, labor and job~~ workforce development, the secretary of natural resources and the chancellor of the university of Wisconsin—extension, or a designee of such a secretary or the chancellor, shall serve as liaison representatives to the Wisconsin conservation corps board, and provide information to and assist the board. The liaison representatives are not board members and may not vote on any board decision or action.

SECTION 11. 15.227 (1) of the statutes is amended to read:

15.227 (1) EQUAL RIGHTS COUNCIL. There is created in the department of ~~industry, labor and job~~ workforce development an equal rights council consisting of not to exceed 35 members appointed for staggered 3-year terms. Members shall be appointed from the entire state and shall be representative of all races, creeds, groups, organizations and fields of endeavor. The equal rights council shall advise the secretary of ~~industry, labor and job~~ workforce development and the division of equal rights.

SECTION 12. 15.227 (3) of the statutes is amended to read:

15.227 (3) COUNCIL ON UNEMPLOYMENT COMPENSATION. There is created in the department of ~~industry, labor and job~~ workforce development a council on unemployment compensation appointed by the secretary of ~~industry, labor and job~~ workforce development to consist of 5 representatives of employers and 5 representatives of employees appointed to serve for 6-year terms and a permanent classified employee of the department of ~~industry, labor and job~~ workforce development who shall serve as nonvoting chairperson. In making appointments to the council, the secretary shall give due consideration to achieving balanced representation of the industrial, com-

mercial, construction, nonprofit and public sectors of the state's economy. One of the employer representatives shall be an owner of a small business or a representative of an association primarily composed of small businesses. In this subsection, "small business" means an independently owned and operated business which is not dominant in its field and which has had less than \$2,000,000 in gross annual sales for each of the previous 2 calendar years or has 25 or fewer employees. A member vacates his or her office if the member loses the status upon which his or her appointment is based.

SECTION 13. 15.227 (4) of the statutes is amended to read:

15.227 (4) COUNCIL ON WORKER'S COMPENSATION. There is created in the department of ~~industry, labor and job workforce~~ development a council on worker's compensation appointed by the labor and industry review commission to consist of a member or designated employee of the department of ~~industry, labor and job workforce~~ development or the labor and industry review commission as chairperson, 5 representatives of employers and 5 representatives of employees. The commission shall also appoint 3 representatives of insurers authorized to do a worker's compensation insurance business in this state as nonvoting members of the council.

SECTION 14. 15.227 (5) (intro.) of the statutes is amended to read:

15.227 (5) COUNCIL ON CHILD LABOR. (intro.) There is created in the department of ~~industry, labor and job workforce~~ development a council on child labor to consist of the following:

SECTION 15. 15.227 (8) of the statutes is amended to read:

15.227 (8) COUNCIL ON MIGRANT LABOR. There is created in the department of ~~industry, labor and job workforce~~ development a council on migrant labor. Nonlegislative members shall serve for staggered 3-year terms and shall include 6 representatives of employers of migrant workers and 6 representatives of migrant workers and their organizations. Two members of the senate and 2 members of the assembly shall be appointed to act as representatives of the public. Legislative members shall be appointed as are members of standing committees and shall be equally divided between the 2 major political parties.

SECTION 16. 15.227 (9) of the statutes is amended to read:

15.227 (9) CONSTRUCTION WAGE RATE COUNCIL. There is created in the department of ~~industry, labor and job workforce~~ development a construction wage rate council appointed by the labor and industry review commission.

SECTION 17. 15.227 (11) of the statutes is amended to read:

15.227 (11) SELF-INSURERS COUNCIL. There is created in the department of ~~industry, labor and job workforce~~

development a self-insurers council consisting of 5 members appointed by the labor and industry review commission for 3-year terms.

SECTION 18. 15.227 (13) of the statutes is amended to read:

15.227 (13) WISCONSIN APPRENTICESHIP COUNCIL. There is created in the department of ~~industry, labor and job workforce~~ development a Wisconsin apprenticeship council appointed by the labor and industry review commission.

SECTION 19. 15.227 (14) of the statutes is amended to read:

15.227 (14) LABOR STANDARDS COUNCIL. There is created in the department of ~~industry, labor and job workforce~~ development a labor standards council appointed by the labor and industry review commission.

SECTION 20. 15.227 (17) (a) of the statutes is amended to read:

15.227 (17) (a) There is created in the department of ~~industry, labor and job workforce~~ development a labor and management council to advise the department of ~~industry, labor and job workforce~~ development about sponsoring labor and management conferences and meetings and promoting positive relations between labor and management.

SECTION 21. 15.227 (24) (a) (intro.) of the statutes is amended to read:

15.227 (24) (a) (intro.) There is created in the department of ~~industry, labor and job workforce~~ development a governor's council on workforce excellence consisting of the following members:

SECTION 22. 15.227 (24) (a) 1. of the statutes is amended to read:

15.227 (24) (a) 1. The secretary of ~~industry, labor and job workforce~~ development or the secretary's designee.

SECTION 23. 15.94 (2) of the statutes is amended to read:

15.94 (2) The secretary of ~~industry, labor and job workforce~~ development or the secretary's designee.

SECTION 24. 16.48 (1) (intro.) of the statutes is amended to read:

16.48 (1) (intro.) On or about January 15 of each odd-numbered year, the secretary of ~~industry, labor and job workforce~~ development shall prepare and furnish to the governor, the speaker of the assembly, the minority leader of the assembly, and the majority and minority leaders of the senate:

SECTION 25. 16.48 (2) of the statutes is amended to read:

16.48 (2) Upon receipt of the statement and report under sub. (1), the governor may convene a special committee consisting of the secretary of ~~industry, labor and job workforce~~ development and the legislative leaders specified in sub. (1) to review the statement and report. Upon request of 2 or more of the legislative leaders specified in sub. (1), the governor shall convene such a com-

mittee. The committee shall attempt to reach a consensus concerning proposed changes to the unemployment compensation laws and shall submit its recommendations to the governor and legislature concurrently with the statement furnished under sub. (3).

SECTION 26. 16.48 (3) of the statutes is amended to read:

16.48 (3) On or about February 15 of each odd-numbered year, the secretary of ~~industry, labor and job~~ workforce development, under the direction of the governor, shall submit to each member of the legislature an updated statement of unemployment compensation financial outlook which shall contain the information specified in sub. (1) (a), together with the governor's recommendations and an explanation for such recommendations, and a copy of the report required under sub. (1) (b).

SECTION 27. 16.53 (1) (d) 2. of the statutes is amended to read:

16.53 (1) (d) 2. Costs for benefits under ch. 108 which are paid on an actual basis may be charged to and collected from agencies by the secretary on an estimated or premium basis, credited to appropriate appropriations, and paid from the appropriations on an actual basis. If a billing submitted by the department of ~~industry, labor and job~~ workforce development for payment of a specific claim for benefits under s. 108.15 (7) remains unpaid by the agency to whom the billing is submitted for more than 60 days after the billing is transmitted to the agency by the secretary, the secretary may charge the cost of payment of the billing to the proper appropriation of the agency to whom the billing is submitted without authorization of the agency and notwithstanding any pending dispute concerning agency liability. If it is finally determined that an agency is not liable in whole or in part for payment of a billing previously submitted and paid, the secretary shall credit any refund received to the appropriation from which the billing was paid, if it is available for expenditure, or otherwise to the fund from which the billing was paid. Any credit to a sum sufficient appropriation shall be made only to the fund from which the appropriation is made. In addition, the secretary may charge agencies for the department's costs of estimation, collection and payment of benefits under ch. 108 on a prorated basis in accordance with the percentage of costs attributable to each agency. Service charges shall be paid into the appropriation made under s. 20.505 (1) (ka).

SECTION 28. 16.75 (6) (bm) of the statutes is amended to read:

16.75 (6) (bm) If the secretary determines that it is in the best interest of this state to do so, he or she may waive any requirement under subs. (1) to (5) and ss. 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by the department of ~~industry, labor and job~~ workforce development under s. 49.143, if the department of ~~industry, labor and job~~ workforce development

presents the secretary with a process for the procurement of contracts under s. 49.143 and the secretary approves the process.

SECTION 29. 16.765 (10) of the statutes is amended to read:

16.765 (10) The department shall refer any individual complaints of discrimination which are subject to investigation under subch. II of ch. 111 to the department of ~~industry, labor and job~~ workforce development.

SECTION 30. 20.445 (intro.) of the statutes is amended to read:

20.445 (title) ~~Industry, labor and job~~ Workforce development, department of. (intro.) There is appropriated to the department of ~~industry, labor and job~~ workforce development for the following programs:

SECTION 31. 20.445 (1) (title) of the statutes is amended to read:

20.445 (1) (title) ~~INDUSTRY, LABOR AND JOB~~ WORKFORCE DEVELOPMENT.

SECTION 32. 20.445 (1) (sm) of the statutes is amended to read:

20.445 (1) (sm) *Uninsured employers fund; payments.* From the uninsured employers fund, a sum sufficient to make the payments under s. 102.81 (1) and to obtain reinsurance under s. 102.81 (2). No moneys may be expended or encumbered under this paragraph until the first day of the first July beginning after the day that the secretary of ~~industry, labor and job~~ workforce development files the certificate under s. 102.80 (3) (a).

SECTION 33. 20.445 (3) (p) of the statutes is amended to read:

20.445 (3) (p) *Federal aid; income maintenance payments.* All federal moneys received for meeting costs of county administered public assistance programs under subch. III of ch. 49, the costs of the child and spousal support and establishment of paternity program under s. 49.22 and the cost of child care and related transportation under s. 49.26 (1) (e). Disbursements under s. 46.03 (20) may be made from this appropriation. Any disbursement made under this appropriation to carry out a contract under ss. 49.22 (7) and 59.53 (5) shall be in accordance with the formula established by the department of ~~industry, labor and job~~ workforce development under s. 49.22 (7).

SECTION 34. 20.505 (4) (kp) of the statutes is amended to read:

20.505 (4) (kp) *Hearings and appeals fees.* The amounts in the schedule for hearings and appeals services to the departments of health and family services and ~~industry, labor and job~~ workforce development. All moneys received from the fees charged under s. 227.43 (3) (c) and (d) shall be credited to this appropriation account.

SECTION 35. 20.923 (4) (e) 3. of the statutes is amended to read:

20.923 (4) (e) 3. ~~Industry, labor and job~~ Workforce development: employment and training: executive director.

SECTION 36. 20.923 (4) (e) 4. of the statutes is amended to read:

20.923 (4) (e) 4. ~~Industry, labor and job~~ Workforce development, department of: labor and industry review commission: member and chairperson.

SECTION 37. 20.923 (4) (f) 4. of the statutes is amended to read:

20.923 (4) (f) 4. ~~Industry, labor and job~~ Workforce development, department of: secretary.

SECTION 38. 36.11 (6) (a) 2. of the statutes is amended to read:

36.11 (6) (a) 2. Make grants equivalent in value to the payment of incidental fees to disabled residents of the state who are recommended and supervised by the department of ~~industry, labor and job~~ workforce development under s. 47.02.

SECTION 39. 38.30 (1) (b) of the statutes is amended to read:

38.30 (1) (b) District boards may receive payments from the department of ~~industry, labor and job~~ workforce development under s. 47.02 to cover the cost of training for resident and nonresident students who are enrolled in district schools and are veterans ineligible for benefits under par. (a).

SECTION 40. 38.51 (6) (b) 1. of the statutes is amended to read:

38.51 (6) (b) 1. On the job and apprenticeship training program, the department of ~~industry, labor and job~~ workforce development.

SECTION 41. 40.02 (25) (a) 3. of the statutes is amended to read:

40.02 (25) (a) 3. The blind employees of the Wisconsin workshop for the blind authorized under s. 47.03 (1) (b), 1989 stats., or of the nonprofit corporation with which the department of ~~industry, labor and job~~ workforce development contracts under s. 47.03 (1m) (a), 1989 stats., as of the beginning of the calendar month following completion of 1,000 hours of service. Persons employed by an employer who are blind when hired shall not be eligible for life insurance premium waiver because of any disability which is directly or indirectly attributed to blindness and may convert life insurance coverage only once under the contract; or

SECTION 42. 40.02 (54) (f) of the statutes is amended to read:

40.02 (54) (f) The nonprofit corporation with which the department of ~~industry, labor and job~~ workforce development contracts under s. 47.03 (1m) (a), 1989 stats.

SECTION 43. 40.63 (6) of the statutes is amended to read:

40.63 (6) Any person entitled to payments under this section who may otherwise be entitled to payments under

s. 66.191, 1981 stats., may file with the department and the department of ~~industry, labor and job~~ workforce development a written election to waive payments due under this section and accept in lieu of the payments under this section payments as may be payable under s. 66.191, 1981 stats., but no person may receive payments under both s. 66.191, 1981 stats., and this section. However any person otherwise entitled to payments under this section may receive the payments, without waiver of any rights under s. 66.191, 1981 stats., during any period as may be required for a determination of the person's rights under s. 66.191, 1981 stats. Upon the final adjudication of the person's rights under s. 66.191, 1981 stats., if waiver is filed under this section, the person shall immediately cease to be entitled to payments under this section and the system shall be reimbursed from the award made under s. 66.191, 1981 stats., for all payments made under this section.

SECTION 44. 40.65 (2) (a) of the statutes is amended to read:

40.65 (2) (a) This paragraph applies to participants who first apply for benefits before May 3, 1988. Any person desiring a benefit under this section must apply to the department of ~~industry, labor and job~~ workforce development, which department shall determine whether the applicant is eligible to receive the benefit and the participant's monthly salary. Appeals from the eligibility decision shall follow the procedures under ss. 102.16 to 102.26. If it is determined that an applicant is eligible, the department of ~~industry, labor and job~~ workforce development shall notify the department of employee trust funds and shall certify the applicant's monthly salary. If at the time of application for benefits an applicant is still employed in any capacity by the employer in whose employ the disabling injury occurred or disease was contracted, that continued employment shall not affect that applicant's right to have his or her eligibility to receive those benefits determined in proceedings before the department of ~~industry, labor and job~~ workforce development or the labor and industry review commission or in proceedings in the courts. The department of ~~industry, labor and job~~ workforce development may promulgate rules needed to administer this paragraph.

SECTION 45. 40.65 (2) (b) 3. of the statutes is amended to read:

40.65 (2) (b) 3. The department shall determine whether or not the applicant is eligible for benefits under this section on the basis of the evidence in subd. 2. An applicant may appeal a determination under this subdivision to the department of ~~industry, labor and job~~ workforce development.

SECTION 46. 40.65 (2) (b) 4. of the statutes is amended to read:

40.65 (2) (b) 4. In hearing an appeal under subd. 3., the department of ~~industry, labor and job~~ workforce

development shall follow the procedures under ss. 102.16 to 102.26.

SECTION 47. 45.35 (6) of the statutes is amended to read:

45.35 (6) **COORDINATION DUTIES.** The department shall coordinate the activities of all state agencies and the University of Wisconsin Hospitals and Clinics Authority performing functions relating to the medical, hospital, or other remedial care, placement and training, educational, economic or vocational rehabilitation of persons who served in the armed forces of the United States at any time and who were honorably discharged, including such persons with disabilities whether or not service-connected or war-connected. In particular it shall coordinate the activities of the technical college system board, state selective service administration, department of health and family services, department of ~~industry, labor and job~~ workforce development, department of ~~education~~ public instruction, the university of Wisconsin system and other educational institutions, the University of Wisconsin Hospitals and Clinics Authority, and all other departments or agencies performing any of the functions specified, to the end that the benefits provided in this section may be made available to veterans as promptly and effectively as possible.

SECTION 48. 45.35 (9) of the statutes is amended to read:

45.35 (9) **VOCATIONAL TRAINING.** The department in cooperation with the department of ~~industry, labor and job~~ workforce development shall make available to disabled veterans the benefits of vocational training and guidance, including veterans who have filed claims for federal rehabilitation benefits and during the pendency of such claims. In cases where such claims are allowed and federal reimbursement is made to the state, such money shall be paid into and become a part of the veterans trust fund.

SECTION 49. 45.35 (10) of the statutes is amended to read:

45.35 (10) **PLACEMENT OF VETERANS.** The department in cooperation with the department of ~~industry, labor and job~~ workforce development and state selective service administration or any other federal, state or local agency shall formulate and carry out plans for the training and placement of veterans.

SECTION 50. 45.397 (2) (a) of the statutes is amended to read:

45.397 (2) (a) The veteran is enrolled or accepted for enrollment in an institution of higher education, as defined in s. 39.32 (1) (a), in the state or is engaged in a structured on-the-job training program certified by the department of ~~industry, labor and job~~ workforce development or the U.S. department of veterans affairs.

SECTION 51. 45.50 (1) (b) of the statutes is amended to read:

45.50 (1) (b) In the event of any dispute arising under par. (a), the matter shall be referred to the department of ~~industry, labor and job~~ workforce development for determination except as the matters pertain to any classified employe of the state, in which case the matter shall be referred to the director of personnel. Orders and determinations of the department of ~~industry, labor and job~~ workforce development under this section may be reviewed in the manner provided in ch. 227.

SECTION 52. 46.03 (7) (bm) of the statutes is amended to read:

46.03 (7) (bm) Maintain a file containing records of artificial inseminations under s. 891.40 and records of declarations of paternal interest under s. 48.025 and of statements acknowledging paternity under s. 69.15 (3) (b). The department shall release these records only upon an order of the court except that the department may use nonidentifying information concerning artificial inseminations for the purpose of compiling statistics and except that records relating to declarations of paternal interest and statements acknowledging paternity shall be released to the department of ~~industry, labor and job~~ workforce development or its designee under s. ~~59.07 (97) 59.53 (5)~~ without a court order upon the request of the department of ~~industry, labor and job~~ workforce development or its designee under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or by any other person with a direct and tangible interest in the record.

SECTION 53. 46.10 (14) (b) of the statutes is amended to read:

46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 48.355, 48.357, 938.183 (2), 938.355 or 938.357 in a residential, nonmedical facility such as a group home, foster home, treatment foster home, child caring institution or juvenile correctional institution shall be determined by the court by using the percentage standard established by the department of ~~industry, labor and job~~ workforce development under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under s. 46.247.

SECTION 54. 46.10 (14) (e) 4. of the statutes is amended to read:

46.10 (14) (e) 4. No employer may use an assignment under this paragraph as a basis for the denial of employment to a person, the discharge of an employe or any disciplinary action against an employe. An employer who denies employment or discharges or disciplines an employe in violation of this subdivision may be fined not more than \$500 and may be required to make full restitution to the aggrieved person, including reinstatement and back pay. Except as provided in this subdivision, restitu-

tion shall be in accordance with s. 973.20. An aggrieved person may apply to the district attorney or to the department of ~~industry, labor and job~~ workforce development for enforcement of this subdivision.

SECTION 55. 46.215 (1) (d) of the statutes is amended to read:

46.215 (1) (d) To make investigations that relate to services under subchs. II, IV and V of ch. 49 upon request by the department of health and family services, to make investigations that relate to juvenile delinquency-related services at the request of the department of corrections and to make investigations that relate to programs under subch. III of ch. 49 upon request by the department of ~~industry, labor and job~~ workforce development.

SECTION 56. 46.215 (1) (j) of the statutes is amended to read:

46.215 (1) (j) To make payments in such manner as the department of ~~industry, labor and job~~ workforce development may determine for training of recipients, former recipients and potential recipients of aid in programs established under ss. 49.193 and 49.26 (1).

SECTION 57. 46.215 (2) (a) 2. of the statutes is amended to read:

46.215 (2) (a) 2. In order to ensure the availability of a full range of care and services, the county department of social services may contract, either directly or through the department of ~~industry, labor and job~~ workforce development, with public or voluntary agencies or others to purchase, in full or in part, care and services under subch. III of ch. 49 which the county department of social services is authorized to furnish. This care and these services may be purchased from the department of ~~industry, labor and job~~ workforce development if the department of ~~industry, labor and job~~ workforce development has staff to furnish the services. If the county department of social services has adequate staff, it may sell the care and services directly to another county or state agency.

SECTION 58. 46.215 (2) (b) of the statutes is amended to read:

46.215 (2) (b) A county department of social services may purchase development and training services from the department of health and family services, from the department of ~~industry, labor and job~~ workforce development, from the department of corrections or from other county agencies when the services are available. A county department of social services may sell the development and staff training services to another county or state agency if the county department has adequate staff to provide the services.

SECTION 59. 46.215 (2) (c) 2. of the statutes is amended to read:

46.215 (2) (c) 2. A county department of social services shall develop, under the requirements of s. 49.34, plans and contracts for care and services to be purchased under subch. III of ch. 49. The department of ~~industry, labor and job~~ workforce development may review the

contracts and approve them if they are consistent with s. 49.34 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of ~~industry, labor and job~~ workforce development to submit the contracts to the committee for review and approval. The department of ~~industry, labor and job~~ workforce development may not make any payments to a county for programs included in a contract under review by the committee.

SECTION 60. 46.215 (3) of the statutes is amended to read:

46.215 (3) PROGRAM BUDGETS. The county department of social services shall submit a final budget to the department of health and family services under s. 46.031 (1), to the department of corrections under s. 301.031 (1) and to the department of ~~industry, labor and job~~ workforce development under s. 49.325 (1), for authorized services.

SECTION 61. 46.22 (1) (b) 2. (intro.), c. and e. of the statutes are amended to read:

46.22 (1) (b) 2. (intro.) A county department of social services shall have the following functions, duties and powers in accordance with the rules promulgated by the department of ~~industry, labor and job~~ workforce development and subject to the supervision of the department of ~~industry, labor and job~~ workforce development:

c. To make investigations as provided under subch. III of ch. 49 upon request by the department of ~~industry, labor and job~~ workforce development.

e. To make payments in such manner as the department of ~~industry, labor and job~~ workforce development may determine for training of recipients, former recipients and potential recipients of aid in programs established under ss. 49.193 and 49.26 (1).

SECTION 62. 46.22 (1) (b) 3. (intro.) and d. of the statutes are amended to read:

46.22 (1) (b) 3. (intro.) A county department of social services shall have the following functions, duties and powers in accordance with the rules promulgated and standards established by the department of health and family services and subject to the supervision of the department of ~~industry, labor and job~~ workforce development:

d. To submit a final budget to the department of ~~industry, labor and job~~ workforce development in accordance with s. 49.325 for services authorized in this subdivision.

SECTION 63. 46.22 (1) (d) of the statutes is amended to read:

46.22 (1) (d) *Merit system; records.* The county department of social services is subject to s. 49.33 (4) to (7). The county department of social services and all county officers and employees performing any duties in connection with the administration of aid to families with dependent children shall observe all rules promulgated by the department of ~~industry, labor and job~~ workforce

development under s. 49.33 (4) and shall keep records and furnish reports as the department of ~~industry, labor and job~~ workforce development requires in relation to their performance of such duties.

SECTION 64. 46.22 (1) (e) 1. of the statutes is amended to read:

46.22 (1) (e) 1. In order to ensure the availability of a full range of care and services, a county department of social services may contract, either directly or through the department of health and family services, the department of ~~industry, labor and job~~ workforce development or the department of corrections, with public or voluntary agencies or others to purchase, in full or in part, care and services which the county department of social services is authorized by any statute to furnish in any manner. The services may be purchased from the department of health and family services, the department of ~~industry, labor and job~~ workforce development or the department of corrections if the department of health and family services, the department of ~~industry, labor and job~~ workforce development or the department of corrections has staff to furnish the services. The county department of social services, if it has adequate staff, may sell the care and services directly to another county or state agency.

SECTION 65. 46.22 (1) (e) 2. of the statutes is amended to read:

46.22 (1) (e) 2. A county department of social services may purchase development and training services from the department of health and family services, the department of ~~industry, labor and job~~ workforce development or the department of corrections or from other county agencies if the services are available or sell the development and staff training services to another county or state agency if the county department of social services has adequate staff to provide the services.

SECTION 66. 46.22 (1) (e) 3. b. of the statutes is amended to read:

46.22 (1) (e) 3. b. A county department of social services shall develop, under the requirements of s. 49.34, plans and contracts for care and services under subch. III of ch. 49 to be purchased. The department of ~~industry, labor and job~~ workforce development may review the contracts and approve them if they are consistent with s. 49.34 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of ~~industry, labor and job~~ workforce development to submit the contracts to the committee for review and approval. The department of ~~industry, labor and job~~ workforce development may not make any payments to a county for programs included in the contract that is under review by the committee.

SECTION 67. 46.22 (2g) (d) of the statutes is amended to read:

46.22 (2g) (d) Prepare, with the assistance of the county social services director under sub. (3m) (b) 5., a proposed budget for submission to the county executive

or county administrator, a final budget for submission to the department of health and family services in accordance with s. 46.031 (1) for authorized services, except services under subch. III of ch. 49 or s. 301.08 (2), a final budget for submission to the department of ~~industry, labor and job~~ workforce development in accordance with s. 49.325 for authorized services under subch. III of ch. 49 and a final budget for submission to the department of corrections in accordance with s. 301.031 (1) for authorized juvenile delinquency-related services.

SECTION 68. 46.22 (3m) (b) 12. of the statutes is amended to read:

46.22 (3m) (b) 12. Establish priorities in addition to those mandated by the department of health and family services, by the department of ~~industry, labor and job~~ workforce development or by the department of corrections.

SECTION 69. 46.22 (3m) (b) 17. b. of the statutes is amended to read:

46.22 (3m) (b) 17. b. Such other reports as are required by the secretary of health and family services, the secretary of ~~industry, labor and job~~ workforce development, the secretary of corrections and the county board of supervisors.

SECTION 70. 46.23 (3) (a) of the statutes is amended to read:

46.23 (3) (a) *Creation.* Upon approval by the secretary of health and family services, by the secretary of corrections and by the secretary of ~~industry, labor and job~~ workforce development of a feasibility study and a program implementation plan, the county board of supervisors of any county with a population of less than 500,000, or the county boards of supervisors of 2 or more contiguous counties, each of which has a population of less than 500,000, may establish by resolution a county department of human services on a single-county or multi-county basis to provide the services required under this section. The county department of human services shall consist of the county human services board, the county human services director and necessary personnel.

SECTION 71. 46.23 (3) (am) 4. of the statutes is amended to read:

46.23 (3) (am) 4. No funds may be allocated to any multicounty department of human services until the counties have drawn up a detailed contractual agreement, approved by the secretary of health and family services, by the secretary of corrections and by the secretary of ~~industry, labor and job~~ workforce development, setting forth the plan for joint sponsorship.

SECTION 72. 46.23 (5) (a) 2. of the statutes is amended to read:

46.23 (5) (a) 2. Shall determine administrative and program policies under subch. III of ch. 49 within limits established by the department of ~~industry, labor and job~~ workforce development. Policy decisions under subch. III of ch. 49 not reserved by statute for the department of

industry, labor and job workforce development may be delegated by the secretary of ~~industry, labor and job~~ workforce development to the county human services board.

SECTION 73. 46.23 (5) (b) of the statutes is amended to read:

46.23 (5) (b) Shall establish priorities in addition to those mandated by the department of health and family services, the department of corrections or the department of ~~industry, labor and job~~ workforce development.

SECTION 74. 46.23 (5m) (c) of the statutes is amended to read:

46.23 (5m) (c) Prepare, with the assistance of the county human services director under sub. (6m) (e), a proposed budget for submission to the county executive or county administrator, a final budget for submission to the department of health and family services in accordance with s. 46.031 (1) for authorized services, except services under subch. III of ch. 49 and juvenile delinquency–related services, a final budget for submission to the department of ~~industry, labor and job~~ workforce development in accordance with s. 49.325 for authorized services under subch. III of ch. 49 and a final budget for submission to the department of corrections in accordance with s. 301.031 for authorized juvenile delinquency–related services.

SECTION 75. 46.23 (6) (a) (intro.) of the statutes is amended to read:

46.23 (6) (a) (intro.) A county human services director appointed under sub. (5) (f) shall have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of the county department of human services, subject to the rules promulgated by the department of health and family services for programs, except services or programs under subch. III of ch. 49 and juvenile delinquency–related services or programs, subject to the rules promulgated by the department of ~~industry, labor and job~~ workforce development for services or programs under subch. III of ch. 49 and subject to the rules promulgated by the department of corrections for juvenile delinquency–related services or programs. In consultation with the county human services board under sub. (5) and subject to its approval, the county human services director shall prepare:

SECTION 76. 46.23 (6) (a) 3. of the statutes is amended to read:

46.23 (6) (a) 3. Such other reports as are required by the secretary of health and family services, by the secretary of corrections or by the secretary of ~~industry, labor and job~~ workforce development and the county board of supervisors in a county with a single–county department of human services or the county boards of supervisors in counties with a multicounty department of human services.

SECTION 77. 46.247 of the statutes is amended to read:

46.247 Application of child support standard for certain children. For purposes of determining child support under s. 46.10 (14) (b), the department shall promulgate rules related to the application of the standard established by the department of ~~industry, labor and job~~ workforce development under s. 49.22 (9) to a child support obligation for the care and maintenance of a child who is placed by a court order under s. 48.355, 48.357, 938.183 (2), 938.355 or 938.357 in a residential, non-medical facility. The rules shall take into account the needs of any person, including dependent children other than the child, whom either parent is legally obligated to support.

SECTION 78. 46.29 (3) (c) of the statutes is amended to read:

46.29 (3) (c) The secretary of ~~industry, labor and job~~ workforce development.

SECTION 79. 46.495 (1) (d) of the statutes is amended to read:

46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the department of health and family services shall distribute the funding for social services, including funding for foster care or treatment foster care of a child on whose behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. From the appropriations under s. 20.445 (3) (cp), (jg) and (md), the department of ~~industry, labor and job~~ workforce development shall distribute funding for at–risk and low–income child care under s. 49.132 (2) (a). County matching funds are required for the distributions under ss. 46.40 (2) and (8) and 49.132 (2) (a). Each county’s required match for a year equals 9.89% of the total of the county’s distributions for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency–related services from its distribution for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 80. 46.495 (1) (d) of the statutes, as affected by [1995 Wisconsin Act 404](#) and 1997 Wisconsin Act (this act), is repealed and recreated to read:

46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute the funding for social services, including funding for foster care or treatment foster care of a child on whose behalf

aid is received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2) and (8). Each county's required match for a year equals 9.89% of the total of the county's distributions for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its distribution for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 81. 46.495 (1) (dc) of the statutes is amended to read:

46.495 (1) (dc) The department of health and family services shall prorate the amount allocated by that department to any county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal funds available. The department of ~~industry, labor and job~~ workforce development shall prorate the amount allocated by that department to any county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal funds available.

SECTION 82. 46.495 (1) (dc) of the statutes, as affected by [1995 Wisconsin Act 404](#) and 1997 Wisconsin Act (this act), is repealed and recreated to read:

46.495 (1) (dc) The department shall prorate the amount allocated to any county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal funds available.

SECTION 83. 46.495 (1) (f) 1. of the statutes is amended to read:

46.495 (1) (f) 1. If any state matching funds allocated by the department of health and family services under par. (d) to match county funds are not claimed, the funds shall be redistributed for the purposes that department designates. If any state matching funds allocated by the department of ~~industry, labor and job~~ workforce development under par. (d) to match county funds are not claimed, the funds shall be redistributed for the purposes that department designates.

SECTION 84. 46.495 (1) (f) 1. of the statutes, as affected by [1995 Wisconsin Act 404](#) and 1997 Wisconsin Act (this act), is repealed and recreated to read:

46.495 (1) (f) 1. If any state matching funds allocated under par. (d) to match county funds are not claimed, the funds shall be redistributed for the purposes the department designates.

SECTION 85. 46.56 (14) (a) (intro.) of the statutes is amended to read:

46.56 (14) (a) (intro.) In order to support the development of a comprehensive system of coordinated care for children with severe disabilities and their families, the department shall establish a statewide advisory committee with representatives of county departments, the department of ~~education~~ public instruction, educational agencies, professionals experienced in the provision of services to children with severe disabilities, families with children with severe disabilities, advocates for such families and their children, the subunit of the department of ~~industry, labor and job~~ workforce development that administers vocational rehabilitation, the technical college system, health care providers, courts assigned to exercise jurisdiction under chs. 48 and 938, child welfare officials, and other appropriate persons as selected by the department. The department may use an existing committee for this purpose if it has representatives from the listed groups and is willing to perform the required functions. This committee shall do all of the following:

SECTION 86. 46.90 (4) (b) 2. b. of the statutes is amended to read:

46.90 (4) (b) 2. b. Any employee of an employer not described in subd. 2. a. who is discharged or otherwise discriminated against may file a complaint with the department of ~~industry, labor and job~~ workforce development under s. 106.06 (5).

SECTION 87. 47.01 (1m) of the statutes is amended to read:

47.01 (1m) "Department" means the department of ~~industry, labor and job~~ workforce development.

SECTION 88. 48.30 (6) of the statutes is amended to read:

48.30 (6) If a petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days from the plea hearing for the child who is held in secure custody and no more than 30 days from the plea hearing for a child who is not held in secure custody. If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of ~~industry, labor and job~~ workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s.

46.10 (14) (c). If all parties consent the court may proceed immediately with the dispositional hearing.

SECTION 89. 48.31 (7) of the statutes is amended to read:

48.31 (7) At the close of the fact-finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days from the fact-finding hearing for a child in secure custody and no more than 30 days from the fact-finding hearing for a child not held in secure custody. If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of ~~industry, labor and job~~ workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may immediately proceed with a dispositional hearing.

SECTION 90. 48.357 (5m) of the statutes is amended to read:

48.357 (5m) If a proposed change in placement changes a child's placement from a placement in the child's home to a placement outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of ~~industry, labor and job~~ workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If the child is placed outside the child's home, the court shall determine the liability of the parent in the manner provided in s. 46.10 (14).

SECTION 91. 48.36 (1) (b) of the statutes is amended to read:

48.36 (1) (b) In determining the amount of support under par. (a), the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported to the department of ~~industry, labor and job~~ workforce development, or the county child and spousal support agency, under s. 49.22 (2m). If the court has insufficient

information with which to determine the amount of support, the court shall order the child's parent to furnish a statement of income, assets, debts and living expenses, if the parent has not already done so, to the court within 10 days after the court's order transferring custody or designating an alternative placement is entered or at such other time as ordered by the court.

SECTION 92. 48.363 (1) of the statutes is amended to read:

48.363 (1) A child, the child's parent, guardian or legal custodian, any person or agency bound by a dispositional order or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement, including a revision with respect to the amount of child support to be paid by a parent, or the court may on its own motion propose such a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter if the request or court proposal indicates that new information is available which affects the advisability of the court's dispositional order and prior to any revision of the dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves. If a hearing is held, the court shall notify the child, the child's parent, guardian and legal custodian, all parties bound by the dispositional order, the child's foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If the proposed revision is for a change in the amount of child support to be paid by a parent, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court and the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of ~~industry, labor and job~~ workforce development under s. 49.22 (9) and the manner of its application established by the department of health and family services under s. 46.247 and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

SECTION 93. 48.57 (3m) (a) 1. of the statutes is amended to read:

48.57 (3m) (a) 1. “Department” means the department of ~~industry, labor and job~~ workforce development.

SECTION 94. 48.57 (3m) (d) of the statutes is amended to read:

48.57 (3m) (d) The county department shall review a placement of a child for which the department of ~~industry, labor and job~~ workforce development makes payments under par. (am) not less than every 12 months after the department of ~~industry, labor and job~~ workforce development begins making those payments to determine whether the conditions specified in par. (am) continue to exist. If those conditions do not continue to exist, the department shall discontinue making those payments.

SECTION 95. 48.57 (3m) (d) of the statutes, as affected by [1995 Wisconsin Act 289](#) and 1997 Wisconsin Act (this act), is repealed and recreated to read:

48.57 (3m) (d) A county department shall review a placement of a child for which the county department makes payments under par. (am) not less than every 12 months after the county department begins making those payments to determine whether the conditions specified in par. (am) continue to exist. If those conditions do not continue to exist, the county department shall discontinue making those payments.

SECTION 96. 48.57 (3m) (e) of the statutes is amended to read:

48.57 (3m) (e) The department of health and family services, in consultation with the department of ~~industry, labor and job~~ workforce development, shall determine whether the child is eligible for medical assistance under ss. 49.43 to 49.47.

SECTION 97. 48.57 (3m) (e) of the statutes, as affected by [1995 Wisconsin Act 289](#) and 1997 Wisconsin Act (this act), is repealed and recreated to read:

48.57 (3m) (e) The department shall determine whether the child is eligible for medical assistance under ss. 49.43 to 49.47.

SECTION 98. 48.57 (3p) (fm) 1. of the statutes is amended to read:

48.57 (3p) (fm) 1. The county department may provisionally approve the making of payments under sub. (3m) based on the applicant’s statement under sub. (3m) (am) 4m. The county department may not finally approve the making of payments under sub. (3m) unless that county department receives information from the department of justice indicating that the conviction record of the applicant under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. The department of ~~industry, labor and job~~ workforce development may make payments under sub. (3m) conditioned on the receipt of information from the federal bureau of investigation indicating that the person’s conviction record under the law of any other state or under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

SECTION 99. 49.001 (9) of the statutes is amended to read:

49.001 (9) “Wisconsin works agency” means a person under contract under s. 49.143 to administer Wisconsin works under ss. 49.141 to 49.161. If no contract is awarded under s. 49.143, “Wisconsin works agency” means the department of ~~industry, labor and job~~ workforce development.

SECTION 100. 49.11 (1) of the statutes is amended to read:

49.11 (1) “Department” means the department of ~~industry, labor and job~~ workforce development.

SECTION 101. 49.11 (2) of the statute is amended to read:

49.11 (2) “Secretary” means the secretary of ~~industry, labor and job~~ workforce development.

SECTION 102. 49.153 (3) (a) 1. of the statutes is amended to read:

49.153 (3) (a) 1. A Wisconsin works agency shall determine eligibility for benefits and services under this section, in accordance with rules promulgated by the department of health and family services in consultation with the department of ~~industry, labor and job~~ workforce development. The Wisconsin works agency shall make the eligibility determination after the date on which the agency receives a completed application from the individual for services and benefits under this section and shall immediately notify the department of health and family services of that determination. An individual who applies for and receives benefits and services under this section is considered to have assigned to the state any rights to medical support or other payment of medical expenses from any other person, including rights to unpaid amounts accrued at the time of application for benefits and services under this section and any rights to support accruing during the time for which benefits and services under this section are provided. Eligibility for benefits and services under this section begins on the day on which the department of health and family services or the provider issues a health plan membership card. The department of health and family services or the provider shall issue the health plan membership card to an individual after the date on which the Wisconsin works agency notifies the department of health and family services that the individual is eligible.

SECTION 103. 49.153 (3) (f) 2. of the statutes is amended to read:

49.153 (3) (f) 2. The individual fails to pay the established premium in a timely manner, as defined by the department of ~~industry, labor and job~~ workforce development by rule.

SECTION 104. 49.153 (4) (d) 4. of the statutes is amended to read:

49.153 (4) (d) 4. The Wisconsin works agency shall remit to the department of ~~industry, labor and job~~ work-

force development in the manner prescribed by the department of ~~industry, labor and job~~ workforce development all premium payments that the Wisconsin works agency receives under this paragraph.

SECTION 105. 49.193 (1) (c) of the statutes is amended to read:

49.193 (1) (c) The department shall coordinate the program under this section with the programs of the department of administration, the department of ~~industry, labor and job~~ workforce development, the department of commerce, the department of ~~education~~ public instruction and the technical college system board and with programs operated under the job training partnership act, [29 USC 1501 to 1791j](#).

SECTION 106. 49.26 (1) (d) of the statutes is amended to read:

49.26 (1) (d) A county department that provides services under this subsection directly shall develop a plan, in coordination with the school districts located in whole or in part in the county, describing the assistance that the county department and school districts will provide to individuals receiving services under this subsection, the number of individuals that will be served and the estimated cost of the services. The county department shall submit the plan to the department of ~~industry, labor and job~~ workforce development and the department of ~~education~~ public instruction by August 15, annually.

SECTION 107. 49.45 (6m) (br) 1. of the statutes is amended to read:

49.45 (6m) (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 (1) (bt) or (bu) or (7) (b) or 20.445 (3) (de), the department shall reduce allocations of funds to counties in the amount of the disallowance from the appropriations under s. 20.410 (3) (cd) or 20.435 (1) (bt) or (bu) or (7) (b), or the department shall direct the department of ~~industry, labor and job~~ workforce development to reduce allocations of funds to counties or Wisconsin works agencies in the amount of the disallowance from the appropriation under s. 20.445 (3) (de) or (dz), in accordance with s. 16.544 to the extent applicable.

SECTION 108. 49.45 (40) of the statutes is amended to read:

49.45 (40) PERIODIC RECORD MATCHES. The department shall cooperate with the department of ~~industry, labor and job~~ workforce development in matching records of medical assistance recipients under s. 49.32 (7).

SECTION 109. 49.81 (intro.) of the statutes is amended to read:

49.81 Public assistance recipients' bill of rights. (intro.) The department of health and family services, the department of ~~industry, labor and job~~ workforce development and all public assistance and relief-granting agencies shall respect rights for recipients of public assistance. The rights shall include all rights guaranteed by the

U.S. constitution and the constitution of this state, and in addition shall include:

SECTION 110. 49.82 (1) of the statutes is amended to read:

49.82 (1) DEPARTMENTS TO ADVISE COUNTIES. The department of health and family services and the department of ~~industry, labor and job~~ workforce development shall advise all county officers charged with the administration of requirements relating to public assistance programs under this chapter and shall render all possible assistance in securing compliance therewith, including the preparation of necessary blanks and reports. The department of health and family services and the department of ~~industry, labor and job~~ workforce development shall also publish such information as it deems advisable to acquaint persons entitled to public assistance and the public generally with the laws governing public assistance under this chapter.

SECTION 111. 49.85 (1) of the statutes is amended to read:

49.85 (1) COUNTY DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under s. 46.215, 46.22 or 46.23, a governing body of a federally recognized American Indian tribe or band or a Wisconsin works agency determines that the department of health and family services may recover an amount under s. 49.497 or that the department of ~~industry, labor and job~~ workforce development may recover an amount under s. 49.125, 49.161 or 49.195 (3), the county department or governing body shall notify the affected department of the determination.

SECTION 112. 49.85 (2) (b) of the statutes is amended to read:

49.85 (2) (b) At least annually, the department of ~~industry, labor and job~~ workforce development shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of ~~industry, labor and job~~ workforce development, the department of ~~industry, labor and job~~ workforce development has determined that it may recover under ss. 49.125, 49.161 and 49.195 (3), except that the department of ~~industry, labor and job~~ workforce development may not certify an amount under this subsection unless it has met the notice requirements under sub. (3) and unless its determination has either not been appealed or is no longer under appeal.

SECTION 113. 49.85 (3) (b) (intro.) of the statutes is amended to read:

49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the department of ~~industry, labor and job~~ workforce development shall send a notice to the last-known address of the person from whom that department intends to recover the amount. The notice shall do all of the following:

SECTION 114. 49.85 (3) (b) 1. of the statutes is amended to read:

49.85 (3) (b) 1. Inform the person that the department of ~~industry, labor and job~~ workforce development intends to certify to the department of revenue an amount that the department of ~~industry, labor and job~~ workforce development has determined to be due under s. 49.125, 49.161 or 49.195 (3), for setoff from any state tax refund that may be due the person.

SECTION 115. 49.85 (3) (b) 2. of the statutes is amended to read:

49.85 (3) (b) 2. Inform the person that he or she may appeal the determination of the department of ~~industry, labor and job~~ workforce development to certify the amount by requesting a hearing under sub. (4) within 30 days after the date of the letter and inform the person of the manner in which he or she may request a hearing.

SECTION 116. 49.85 (3) (b) 3. of the statutes is amended to read:

49.85 (3) (b) 3. Inform the person that, if the determination of the department of ~~industry, labor and job~~ workforce development is appealed, that department will not certify the amount to the department of revenue while the determination of the department of ~~industry, labor and job~~ workforce development is under appeal.

SECTION 117. 49.85 (3) (b) 4. of the statutes is amended to read:

49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is requested to appeal the determination of the department of ~~industry, labor and job~~ workforce development, the person may be precluded from challenging any subsequent setoff of the certified amount by the department of revenue, except on the grounds that the certified amount has been partially or fully paid or otherwise discharged, since the date of the notice.

SECTION 118. 49.85 (3) (b) 5. of the statutes is amended to read:

49.85 (3) (b) 5. Request that the person inform the department of ~~industry, labor and job~~ workforce development if a bankruptcy stay is in effect with respect to the person or if the claim has been discharged in bankruptcy.

SECTION 119. 49.85 (4) (b) of the statutes is amended to read:

49.85 (4) (b) If a person has requested a hearing under this subsection, the department of ~~industry, labor and job~~ workforce development shall hold a contested case hearing under s. 227.44, except that the department of ~~industry, labor and job~~ workforce development may limit the scope of the hearing to exclude issues that were presented at a prior hearing or that could have been presented at a prior opportunity for hearing.

SECTION 120. 49.85 (5) of the statutes is amended to read:

49.85 (5) **EFFECT OF CERTIFICATION.** Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax

refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93. Certification of an amount under this section does not prohibit the department of health and family services or the department of ~~industry, labor and job~~ workforce development from attempting to recover the amount through other legal means. The department of health and family services or the department of ~~industry, labor and job~~ workforce development shall promptly notify the department of revenue upon recovery of any amount previously certified under this section.

SECTION 121. 49.855 (1) of the statutes is amended to read:

49.855 (1) If a person obligated to provide child support or maintenance is delinquent in making court-ordered payments, or owes an outstanding amount that has been ordered by the court for past support, medical expenses or birth expenses, the clerk of circuit court or county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m), whichever is appropriate, upon application of the county designee under s. 59.53 (5) or the department of ~~industry, labor and job~~ workforce development, shall certify the delinquent payment or outstanding amount to the department of ~~industry, labor and job~~ workforce development.

SECTION 122. 49.855 (2) of the statutes is amended to read:

49.855 (2) At least annually, the department of ~~industry, labor and job~~ workforce development shall provide to the department of revenue the certifications that it receives under sub. (1) and any certifications of delinquencies or outstanding amounts that it receives from another state because the obligor resides in this state.

SECTION 123. 49.855 (4) of the statutes is amended to read:

49.855 (4) The department of revenue shall send that portion of any state or federal tax refunds or credits withheld for delinquent child support or maintenance or past support, medical expenses or birth expenses to the department of ~~industry, labor and job~~ workforce development for distribution to the appropriate clerk of circuit court or county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m). The department of ~~industry, labor and job~~ workforce development shall make a settlement at least annually with the department of revenue and with each clerk of circuit court or county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m) who has certified a delinquent obligation or outstanding amount for past support, medical expenses or birth expenses. The settlement shall state the amounts certified, the amounts deducted from tax refunds and credits and returned to the clerk of circuit court or county support collection designee under s. ~~59.07 (97m)~~ 59.53 (5m) and the administrative costs incurred by the department of revenue. The department of ~~industry, labor and job~~ workforce development may charge the county whose clerk of circuit court

or [county] support collection designee under s. 59.07 (97m) 59.53 (5m) certified the obligation or outstanding amount the related administrative costs incurred by the department of ~~industry, labor and job~~ workforce development and the department of revenue.

SECTION 124. 49.855 (4m) (c) of the statutes is amended to read:

49.855 (4m) (c) Except as provided by order of the court after hearing under par. (b), the department of administration shall continue withholding until the amount certified is recovered in full. The department of administration shall transfer the amounts withheld under this paragraph to the department of ~~industry, labor and job~~ workforce development for distribution to the appropriate clerk of court, county support collection designee under s. 59.07 (97m) 59.53 (5m) or department of health and family services, whichever is appropriate.

SECTION 125. 49.855 (5) of the statutes is amended to read:

49.855 (5) Certification of an obligation to the department of ~~industry, labor and job~~ workforce development does not deprive any party of the right to collect the obligation or to prosecute the obligor. The clerk of court or county support collection designee under s. 59.07 (97m) 59.53 (5m), whichever is appropriate, shall immediately notify the department of ~~industry, labor and job~~ workforce development of any collection of an obligation that has been certified by the clerk of court or county support collection designee under s. 59.07 (97m) 59.53 (5m). The department of ~~industry, labor and job~~ workforce development shall correct the certified obligation according to the amount the county has collected and report the correction to the department of revenue.

SECTION 126. 49.855 (7) of the statutes is amended to read:

49.855 (7) The department of ~~industry, labor and job~~ workforce development may provide a certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.351 (2) (c), 45.356 (6), 45.396 (6), 45.74 (6), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.90 (3) (d) or (3g) (c), 234.905 (3) (d), 281.65 (8) (L) or 949.08 (2) (g).

SECTION 127. 49.86 of the statutes is amended to read:

49.86 Disbursement of funds and facsimile signatures. Withdrawal or disbursement of moneys deposited in a public depository, as defined in s. 34.01 (5), to the credit of the department of ~~industry, labor and job~~ workforce development or any of its divisions or agencies shall be by check, share draft or other draft signed by the secretary of ~~industry, labor and job~~ workforce development or by one or more persons in the department of ~~industry, labor and job~~ workforce development designated by written authorization of the secretary of ~~indus-~~

~~try, labor and job~~ workforce development. Such checks, share drafts and other drafts shall be signed personally or by use of a mechanical device adopted by the secretary of ~~industry, labor and job~~ workforce development or his or her designees for affixing a facsimile signature. Any public depository shall be fully warranted and protected in making payment on any check, share draft or other draft bearing such facsimile signature notwithstanding that the facsimile may have been placed thereon without the authority of the secretary of ~~industry, labor and job~~ workforce development or his or her designees.

SECTION 128. 49.89 (2) of the statutes is amended to read:

49.89 (2) SUBROGATION. The department of health and family services, the department of ~~industry, labor and job~~ workforce development, a county or an elected tribal governing body that provides any public assistance under this chapter or under s. 253.05 as a result of the occurrence of an injury, sickness or death that creates a claim or cause of action, whether in tort or contract, on the part of a public assistance recipient or beneficiary or the estate of a recipient or beneficiary against a 3rd party, including an insurer, is subrogated to the rights of the recipient, beneficiary or estate and may make a claim or maintain an action or intervene in a claim or action by the recipient, beneficiary or estate against the 3rd party.

SECTION 129. 49.89 (6) of the statutes is amended to read:

49.89 (6) DEPARTMENTS' DUTIES AND POWERS. The department of health and family services and the department of ~~industry, labor and job~~ workforce development shall enforce their rights under this section and may contract for the recovery of any claim or right of indemnity arising under this section.

SECTION 130. 49.89 (7) (d) 2. of the statutes is amended to read:

49.89 (7) (d) 2. Any county or elected tribal governing body that has made a recovery under this section for which it is eligible to receive an incentive payment under par. (c) shall report such recovery to the department of ~~industry, labor and job~~ workforce development within 30 days after the end of the month in which the recovery is made in a manner specified by the department of ~~industry, labor and job~~ workforce development.

SECTION 131. 49.90 (2) of the statutes is amended to read:

49.90 (2) Upon failure of these relatives to provide maintenance the authorities or board shall submit to the corporation counsel a report of its findings. Upon receipt of the report the corporation counsel shall, within 60 days, apply to the circuit court for the county in which the dependent person under sub. (1) (a) 1. or the child of a dependent person under sub. (1) (a) 2. resides for an order to compel the maintenance. Upon such an application the corporation counsel shall make a written report to the county department under s. 46.215, 46.22 or 46.23, with

a copy to the chairperson of the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multi-county department, and to the department of health and family services or the department of ~~industry, labor and job workforce~~ development, whichever is appropriate.

SECTION 132. 49.90 (2g) of the statutes is amended to read:

49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who is or may be required to provide maintenance under sub. (1) (a) 2., a child of a dependent minor or the child's parent may apply to the circuit court for the county in which the child resides for an order to compel the provision of maintenance. A county department under s. 46.215, 46.22 or 46.23, a county child support agency or the department of ~~industry, labor and job workforce~~ development may initiate an action to obtain maintenance of the child by the child's grandparent under sub. (1) (a) 2., regardless of whether the child receives public assistance.

SECTION 133. 59.40 (2) (p) of the statutes is amended to read:

59.40 (2) (p) Cooperate with the department of ~~industry, labor and job workforce~~ development with respect to the child and spousal support and establishment of paternity and medical liability support program under ss. 49.22 and 59.53 (5), and provide that department with any information from court records which it requires to administer that program.

SECTION 134. 59.53 (5) of the statutes is amended to read:

59.53 (5) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT LIABILITY PROGRAM. The board shall contract with the department of ~~industry, labor and job workforce~~ development to implement and administer the child and spousal support and establishment of paternity and the medical support liability programs provided for by Title IV of the federal social security act. The board may designate by board resolution any office, officer, board, department or agency as the county designee. The board or its designee shall implement and administer the programs in accordance with the contract with the department of ~~industry, labor and job workforce~~ development. The attorneys responsible for support enforcement under sub. (6) (a), family court commissioner, clerk of court and all other county officials shall cooperate with the county and the department of ~~industry, labor and job workforce~~ development as necessary to provide the services required under the programs. The county shall charge the fee established by the department of ~~industry, labor and job workforce~~ development under s. 49.22 for services provided under this subsection to persons not receiving benefits under s. 49.148, 49.153 or 49.155 or assistance under s. 46.261, 49.19 or 49.47.

SECTION 135. 59.69 (4e) of the statutes is amended to read:

59.69 (4e) MIGRANT LABOR CAMPS. The board may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair or expansion is required by an administrative rule that is promulgated by the department of ~~industry, labor and job workforce~~ development under ss. 103.90 to 103.97. An ordinance or resolution of the county that is in effect on May 12, 1992, and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

SECTION 136. 60.61 (3m) of the statutes is amended to read:

60.61 (3m) MIGRANT LABOR CAMPS. The town board may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair or expansion is required by an administrative rule promulgated by the department of ~~industry, labor and job workforce~~ development under ss. 103.90 to 103.97. An ordinance or resolution of the town that is in effect on May 12, 1992, and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

SECTION 137. 62.23 (7) (hm) of the statutes is amended to read:

62.23 (7) (hm) *Migrant labor camps.* The council of a city may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair or expansion is required by an administrative rule promulgated by the department of ~~industry, labor and job workforce~~ development under ss. 103.90 to 103.97. An ordinance or resolution of a city that is in effect on May 12, 1992, and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

SECTION 138. 66.293 (1) (b) of the statutes is amended to read:

66.293 (1) (b) "Department" means the department of ~~industry, labor and job workforce~~ development.

SECTION 139. 66.293 (1) (h) of the statutes is amended to read:

66.293 (1) (h) "Secretary" means the secretary of ~~industry, labor and job workforce~~ development.

SECTION 140. 66.46 (6c) (a) of the statutes is amended to read:

66.46 (6c) (a) Any person who operates for profit and is paid project costs under sub. (2) (f) 1. a., d., j. and k. in connection with the project plan for a tax incremental district shall notify the department of ~~industry, labor and job workforce~~ development and the area private industry

council under the job training partnership act, [29 USC 1501 to 1798](#), of any positions to be filled in the county in which the city which created the tax incremental district is located during the period commencing with the date the person first performs work on the project and ending one year after receipt of its final payment of project costs. The person shall provide this notice at least 2 weeks prior to advertising the position.

SECTION 141. 66.46 (6c) (b) of the statutes is amended to read:

66.46 (6c) (b) Any person who operates for profit and buys or leases property in a tax incremental district from a city for which the city incurs real property assembly costs under sub. (2) (f) 1. c. shall notify the department of ~~industry, labor and job~~ workforce development and the area private industry council under the job training partnership act, [29 USC 1501 to 1798](#), of any position to be filled in the county in which the city creating the tax incremental district is located within one year after the sale or commencement of the lease. The person shall provide this notice at least 2 weeks prior to advertising the position.

SECTION 142. 66.521 (6m) of the statutes is amended to read:

66.521 (6m) NOTIFICATION OF POSITION OPENINGS. A municipality may not enter into a revenue agreement with any person who operates for profit unless that person has agreed to notify the department of ~~industry, labor and job~~ workforce development and the area private industry council under the job training partnership act, [29 USC 1501 to 1798](#), of any position to be filled in that municipality within one year after issuance of the revenue bonds. The person shall provide this notice at least 2 weeks before advertising the position. The notice required by this subsection does not affect the offer of employment requirements of sub. (4s).

SECTION 143. 69.15 (3) (b) 3. of the statutes is amended to read:

69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both parents, along with the fee under s. 69.22, the state registrar shall insert the name of the father under subd. 1. The state registrar shall mark the certificate to show that the form is on file. The form shall be available to the department of ~~industry, labor and job~~ workforce development or its designee under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the form for the acknowledgment a notice of the information in ss. 767.458 (1) (a) to (e) and 767.62.

SECTION 144. 71.67 (7) (a) and (b) (intro.) of the statutes are amended to read:

71.67 (7) (a) The department of ~~industry, labor and job~~ workforce development may, in accordance with s.

108.135, deduct and withhold from any unemployment compensation payment, on a form prepared by the department of ~~industry, labor and job~~ workforce development, a portion of the payment as Wisconsin income tax. The department of ~~industry, labor and job~~ workforce development shall deposit the amounts withheld, on a monthly basis, as provided in s. 108.135 (6).

(b) (intro.) The department of ~~industry, labor and job~~ workforce development shall furnish to each claimant who receives benefits during any year, on or before January 31 of the succeeding year, at least one legible copy of a written statement showing all of the following:

SECTION 145. 71.67 (7) (c) 2. of the statutes is amended to read:

71.67 (7) (c) 2. The department of ~~industry, labor and job~~ workforce development shall furnish the department of revenue with a copy of any statement that is furnished to the claimant under par. (b).

SECTION 146. 71.93 (1) (a) 2. of the statutes is amended to read:

71.93 (1) (a) 2. A delinquent child support or spousal support obligation that has been reduced to a judgment and has been submitted by an agency of another state to the department of ~~industry, labor and job~~ workforce development for certification under this section.

SECTION 147. 71.93 (1) (a) 4. of the statutes is amended to read:

71.93 (1) (a) 4. An amount that the department of ~~industry, labor and job~~ workforce development may recover under s. 49.125 or 49.195 (3), if the department of ~~industry, labor and job~~ workforce development has certified the amount under s. 49.85.

SECTION 148. 77.265 (4) of the statutes is amended to read:

77.265 (4) The department of ~~industry, labor and job~~ workforce development may use the returns under s. 106.04.

SECTION 149. 84.25 (11) of the statute is amended to read:

84.25 (11) COMMERCIAL ENTERPRISES. No commercial enterprise, except a vending facility which is licensed by the department of ~~industry, labor and job~~ workforce development and operated by blind or visually impaired persons, shall be authorized or conducted within or on property acquired for or designated as a controlled-access highway.

SECTION 150. 101.055 (8) (ag) of the statutes is amended to read:

101.055 (8) (ag) In this subsection, "division of equal rights" means the division of equal rights in the department of ~~industry, labor and job~~ workforce development acting under the authority provided in s. 106.06 (4).

SECTION 151. 102.01 (2) (ap) of the statutes is amended to read:

102.01 (2) (ap) "Department" means the department of ~~industry, labor and job~~ workforce development.

SECTION 152. 102.01 (2) (em) of the statutes is amended to read:

102.01 (2) (em) “Secretary” means the secretary of industry, labor and job workforce development.

SECTION 153. 102.08 of the statutes is amended to read:

102.08 Administration for state employees. The department of administration has responsibility for the timely delivery of benefits payable under this chapter to employees of the state and their dependents and other functions of the state as an employer under this chapter. The department of administration may delegate this authority to employing departments and agencies and require such reports as it deems necessary to accomplish this purpose. The department of administration or its delegated authorities shall file with the department of ~~industry, labor and job~~ workforce development the reports that are required of all employers. The department of ~~industry, labor and job~~ workforce development shall monitor the delivery of benefits to state employees and their dependents and shall consult with and advise the department of administration in the manner and at the times necessary to ensure prompt and proper delivery.

SECTION 154. 102.42 (8) of the statutes is amended to read:

102.42 (8) **AWARD TO STATE EMPLOYEE.** Whenever an award is made by the department in behalf of a state employee, the department of ~~industry, labor and job~~ workforce development shall file duplicate copies of the award with the department of administration. Upon receipt of the copies of the award, the department of administration shall promptly issue a voucher in payment of the award from the proper appropriation under s. 20.865 (1) (fm), (kr) or (ur), and shall transmit one copy of the voucher and the award to the officer, department or agency by whom the affected employee is employed.

SECTION 155. 102.61 (1m) (c) of the statutes is amended to read:

102.61 (1m) (c) The employer or insurance carrier shall pay the reasonable cost of any services provided for an employee by a private rehabilitation counselor under par. (a) and, subject to the conditions and limitations specified in sub. (1r) (a) to (c) and by rule, if the private rehabilitation counselor determines that rehabilitative training is necessary, the reasonable cost of the rehabilitative training program recommended by that counselor, including tuition, fees, books and maintenance and travel expenses. Notwithstanding that the department of ~~industry, labor and job~~ workforce development may authorize under s. 102.43 (5) a rehabilitative training program that lasts longer than 80 weeks, a rehabilitative training program that lasts 80 weeks or less is presumed to be reasonable.

SECTION 156. 102.61 (1m) (f) of the statutes is amended to read:

102.61 (1m) (f) The department of ~~industry, labor and job~~ workforce development shall promulgate rules establishing procedures and requirements for the private rehabilitation counseling and rehabilitative training process under this subsection. Those rules shall include rules specifying the procedure and requirements for certification of private rehabilitation counselors.

SECTION 157. 102.61 (2) of the statutes is amended to read:

102.61 (2) The department of ~~industry, labor and job~~ workforce development, the commission and the courts shall determine the rights and liabilities of the parties under this section in like manner and with like effect as that department, the commission and the courts do other issues under compensation. A determination under this subsection may include a determination based on the evidence regarding the cost or scope of the services provided by a private rehabilitation counselor under sub. (1m) (a) or the cost or reasonableness of a rehabilitative training program developed under sub. (1m) (a).

SECTION 158. 102.64 (1) of the statutes is amended to read:

102.64 (1) Upon request of the department of administration, a representative of the department of justice shall represent the state in cases involving payment into or out of the state treasury under s. 20.865 (1) (fm), (kr) or (ur) or 102.29. The department of justice, after giving notice to the department of administration, may compromise the amount of such payments but such compromises shall be subject to review by the department of ~~industry, labor and job~~ workforce development. If the spouse of the deceased employee compromises his or her claim for a primary death benefit, the claim of the children of such employee under s. 102.49 shall be compromised on the same proportional basis, subject to approval by the department. If the persons entitled to compensation on the basis of total dependency under s. 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be compromised on the same proportional basis.

SECTION 159. 102.64 (2) of the statutes is amended to read:

102.64 (2) Upon request of the department of administration, the attorney general shall appear on behalf of the state in proceedings upon claims for compensation against the state. The department of justice shall represent the interests of the state in proceedings under s. 102.49, 102.59 or 102.66. The department of justice may compromise claims in such proceedings, but the compromises are subject to review by the department of ~~industry, labor and job~~ workforce development. Costs incurred by the department of justice in prosecuting or defending any claim for payment into or out of the work injury supplemental benefit fund under s. 102.65, including expert witness and witness fees but not including attorney fees or attorney travel expenses for services performed under

this subsection, shall be paid from the work injury supplemental benefit fund.

SECTION 160. 102.82 (2) (c) of the statutes is amended to read:

102.82 (2) (c) The department of justice or, if the department of justice consents, the department of ~~industry, labor and job~~ workforce development may bring an action in circuit court to recover payments and interest owed to the department of ~~industry, labor and job~~ workforce development under this section.

SECTION 161. 103.001 (3) of the statutes is amended to read:

103.001 (3) “Department” means the department of ~~industry, labor and job~~ workforce development.

SECTION 162. 103.001 (15) of the statutes is amended to read:

103.001 (15) “Secretary” means the secretary of ~~industry, labor and job~~ workforce development.

SECTION 163. 103.005 (20) of the statutes is amended to read:

103.005 (20) The department of ~~industry, labor and job~~ development shall establish a procedure for ~~that the~~ department to provide to the state public defender and the department of administration any information that the department of ~~industry, labor and job~~ development may have concerning an individual’s wages to assist the state public defender and the department of administration in collecting payment ordered under s. 48.275 (2), 757.66, 973.06 (1) (e) or 977.076 (1).

SECTION 164. 103.10 (12) (a) 2. of the statutes is amended to read:

103.10 (12) (a) 2. The department of ~~industry, labor and job~~ workforce development, if the employee is employed by an employer other than one described in subd. 1.

SECTION 165. 103.50 (4) of the statutes is amended to read:

103.50 (4) CERTIFICATION OF PREVAILING WAGE RATES AND HOURS OF LABOR. The department of ~~industry, labor and job~~ workforce development shall, by May 1 of each calendar year, certify to the department of transportation the prevailing wage rates and the prevailing hours of labor in each area for all trades or occupations commonly employed in the highway construction industry. The certification shall, in addition to the current prevailing wage rates and prevailing hours of labor, include future prevailing wage rates and prevailing hours of labor when such prevailing wage rates and prevailing hours of labor can be determined for any such trade or occupation in any area and shall specify the effective date of those future prevailing wage rates and prevailing hours of labor. If a construction project extends into more than one area there shall be but one standard of prevailing wage rates and prevailing hours of labor for the entire project.

SECTION 166. 103.50 (5) of the statutes is amended to read:

103.50 (5) APPEALS TO GOVERNOR. If the department of transportation considers any determination of the department of ~~industry, labor and job~~ workforce development as to the prevailing wage rates and the prevailing hours of labor in an area to have been incorrect, it may appeal to the governor, whose determination shall be final.

SECTION 167. 103.50 (6) of the statutes is amended to read:

103.50 (6) CONTENTS OF CONTRACTS. A reference to the prevailing wage rates and the prevailing hours of labor determined under sub. (3) shall be published in the notice issued for the purpose of securing bids for a project. If any contract or subcontract for a project that is subject to this section is entered into, the prevailing wage rates and prevailing hours of labor determined under sub. (3) shall be physically incorporated into and made a part of the contract or subcontract, except that for a minor subcontract, as determined by the department of ~~industry, labor and job~~ workforce development, that department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force. For the information of the employees working on the project, the prevailing wage rates and prevailing hours of labor determined by the department and the provisions of subs. (2) and (7) shall be kept posted by the department of transportation in at least one conspicuous and easily accessible place on the site of the project.

SECTION 168. 104.01 (1) of the statutes is amended to read:

104.01 (1) “Department” means the department of ~~industry, labor and job~~ workforce development.

SECTION 169. 106.13 (2) of the statutes is amended to read:

106.13 (2) The governor’s council on workforce excellence, the technical college system board and the department of ~~education~~ public instruction shall assist the department of ~~industry, labor and job~~ workforce development in providing the youth apprenticeship program and school-to-work program under sub. (1).

SECTION 170. 108.02 (10) of the statutes is amended to read:

108.02 (10) DEPARTMENT. “Department” means the department of ~~industry, labor and job~~ workforce development.

SECTION 171. 108.105 of the statutes is amended to read:

108.105 Suspension of agents. The department may suspend the privilege of any agent to appear before the department at hearings under this chapter for a specified period if the department finds that the agent has engaged in an act of fraud or misrepresentation or repeatedly

failed to comply with departmental rules, or has engaged in the solicitation of a claimant solely for the purpose of appearing at a hearing as the claimant's representative for pay. Prior to imposing a suspension under this section, the secretary of ~~industry, labor and job~~ workforce development or the secretary's designee shall conduct a hearing concerning the proposed suspension. The hearing shall be conducted under ch. 227 and the decision of the department may be appealed under s. 227.52.

SECTION 172. 108.13 (4) (b) of the statutes is amended to read:

108.13 (4) (b) A claimant filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether or not he or she owes child support obligations. If any such claimant discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the department of ~~industry, labor and job~~ workforce development shall notify the local child support enforcement agency enforcing the obligations that the claimant has been determined to be eligible for unemployment compensation.

SECTION 173. 108.141 (6) (a) of the statutes is amended to read:

108.141 (6) (a) Whenever an extended benefit period is to become effective as a result of a Wisconsin "on" indicator, or an extended benefit period is to be terminated as a result of a Wisconsin "off" indicator, the secretary of ~~industry, labor and job~~ workforce development shall publish it as a class 1 notice under ch. 985.

SECTION 174. 108.142 (5) of the statutes is amended to read:

108.142 (5) PUBLISH INDICATORS. Whenever a Wisconsin supplemental benefit period is to become effective as a result of a Wisconsin "on" indicator under this section, or a Wisconsin supplemental benefit period is to be terminated as a result of a Wisconsin "off" indicator under this section, the secretary of ~~industry, labor and job~~ workforce development shall publish it as a class 1 notice under ch. 985.

SECTION 175. 109.01 (1) of the statutes is amended to read:

109.01 (1) "Department" means the department of ~~industry, labor and job~~ workforce development.

SECTION 176. 111.32 (4) of the statutes is amended to read:

111.32 (4) "Department" means the department of ~~industry, labor and job~~ workforce development.

SECTION 177. 115.347 of the statutes is amended to read:

115.347 Direct certification of eligibility for school nutrition programs. (1) Beginning in the 1994–95 school year, a school board may submit enrollment data to the department of ~~industry, labor and job~~ workforce development for the purpose of directly certifying children as eligible for free or reduced-price meals under the

federal school nutrition programs. The department of ~~industry, labor and job~~ workforce development shall prescribe a format for the report.

(2) Whenever a school district that is located in whole or in part in a county that has converted to the client assistance for reemployment and economic support data system submits a report under sub. (1) in the prescribed format, the department of ~~industry, labor and job~~ workforce development shall determine which children enrolled in the school district are members of Wisconsin works groups participating under s. 49.147 (3) to (5) or of families receiving aid to families with dependent children or food stamps and shall provide the information to the school board as soon thereafter as possible. The school board shall use the information to directly certify children as eligible for free or reduced-price meals served by the school district under federal school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

(3) The department shall assist school boards in developing a method for submitting enrollment data to the department of ~~industry, labor and job~~ workforce development under sub. (1).

SECTION 178. 118.125 (2) (i) of the statutes is amended to read:

118.125 (2) (i) Upon request, the school district clerk or his or her designee shall provide the names of pupils who have withdrawn from the public school prior to graduation under s. 118.15 (1) (c) to the technical college district board in which the public school is located or, for verification of eligibility for public assistance under ch. 49, to the department of health and family services, the department of ~~industry, labor and job~~ workforce development or a county department under s. 46.215, 46.22 or 46.23.

SECTION 179. 118.16 (2) (d) of the statutes is amended to read:

118.16 (2) (d) May visit any place of employment in the school district to ascertain whether any minors are employed there contrary to law. The officer shall require that school certificates and lists of minors who are employed there be produced for inspection, and shall report all cases of illegal employment to the proper school authorities and to the department of ~~industry, labor and job~~ workforce development.

SECTION 180. 118.163 (2) (e) of the statutes is amended to read:

118.163 (2) (e) An order for the department of ~~industry, labor and human relations~~ workforce development to revoke, under s. 103.72, a permit under s. 103.70 authorizing the employment of the person.

SECTION 181. 167.10 (6m) (f) of the statutes is amended to read:

167.10 (6m) (f) The department of ~~industry, labor and job~~ development commerce may inspect at reasonable times the premises on which each person licensed

under this subsection manufactures fireworks or devices listed under sub. (1) (e), (f) or (i) to (n).

SECTION 182. 175.45 (9) of the statutes is amended to read:

175.45 (9) COOPERATION. The departments of corrections, health and family services and ~~industry, labor and job workforce~~ development shall cooperate with the department of justice in obtaining information under this section. This subsection does not apply after May 31, 1997.

SECTION 183. 215.04 (1) (f) of the statutes is amended to read:

215.04 (1) (f) Conduct hearings and take testimony, and to subpoena and swear witnesses at such hearings. The review board shall have the same subpoena powers as are possessed by the department of ~~industry, labor and job workforce~~ development and also the powers granted by s. 885.01 (4);

SECTION 184. 227.03 (3m) (a) of the statutes is amended to read:

227.03 (3m) (a) This chapter does not apply to proceedings before the department of ~~industry, labor and job workforce~~ development relating to housing discrimination under s. 106.04 (1) to (8), except as provided in s. 106.04 (6).

SECTION 185. 227.43 (1) (by) of the statutes is amended to read:

227.43 (1) (by) Assign a hearing examiner to preside over any hearing of a contested case that is required to be conducted by the department of ~~industry, labor and job workforce~~ development under subch. III of ch. 49 and that is not conducted by the secretary of ~~industry, labor and job workforce~~ development.

SECTION 186. 227.43 (2) (d) of the statutes is amended to read:

227.43 (2) (d) The department of ~~industry, labor and job workforce~~ development shall notify the division of hearings and appeals of every pending hearing to which the administrator of the division is required to assign a hearing examiner under sub. (1) (by) after the department of ~~industry, labor and job workforce~~ development is notified that a hearing on the matter is required.

SECTION 187. 227.43 (3) (d) of the statutes is amended to read:

227.43 (3) (d) The administrator of the division of hearings and appeals may set the fees to be charged for any services rendered to the department of ~~industry, labor and job workforce~~ development by a hearing examiner under this section in a manner consistent with a federally approved allocation methodology. The fees shall cover the total cost of the services.

SECTION 188. 227.43 (4) (d) of the statutes is amended to read:

227.43 (4) (d) The department of ~~industry, labor and job workforce~~ development shall pay all costs of the services of a hearing examiner, including support services,

assigned under sub. (1) (by), according to the fees set under sub. (3) (d).

SECTION 189. 227.52 of the statutes is amended to read:

227.52 Judicial review; decisions reviewable.

Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the division of banking, the office of credit unions, the division of savings and loan, the board of state canvassers and those decisions of the department of ~~industry, labor and job workforce~~ development which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

SECTION 190. 227.59 of the statutes is amended to read:

227.59 Certification of certain cases from the circuit court of Dane county to other circuits. Any action or proceeding for the review of any order of an administrative officer, commission, department or other administrative tribunal of the state required by law to be instituted in or taken to the circuit court of Dane county except an action or appeal for the review of any order of the department of ~~industry, labor and job workforce~~ development or the department of commerce or findings and orders of the labor and industry review commission which is instituted or taken and is not called for trial or hearing within 6 months after the proceeding or action is instituted, and the trial or hearing of which is not continued by stipulation of the parties or by order of the court for cause shown, shall on the application of either party on 5 days' written notice to the other be certified and transmitted for trial to the circuit court of the county of the residence or principal place of business of the plaintiff or petitioner, where the action or proceeding shall be given preference. Unless written objection is filed within the 5-day period, the order certifying and transmitting the proceeding shall be entered without hearing. The plaintiff or petitioner shall pay to the clerk of the circuit court of Dane county a fee of \$2 for transmitting the record.

SECTION 191. 230.08 (2) (e) 6. of the statutes is amended to read:

230.08 (2) (e) 6. ~~Industry, labor and job Workforce~~ development — 8.

SECTION 192. 230.147 (1) of the statutes is amended to read:

230.147 (1) Each appointing authority of an agency with more than 100 authorized permanent full-time equivalent positions shall prepare and implement a plan of action to employ persons who, at the time determined under sub. (4), receive aid under s. 49.19, or benefits

under s. 49.147 (3) to (5), with the goal of making the ratio of those persons occupying permanent positions in the agency to the total number of persons occupying permanent positions in the agency equal to the ratio of the average case load receiving aid under s. 49.19, or benefits under s. 49.147 (3) to (5), in this state in the previous fiscal year to the average number of persons in the state civilian labor force in the preceding fiscal year, as determined by the department of ~~industry, labor and job~~ workforce development.

SECTION 193. 230.147 (2) of the statutes is amended to read:

230.147 (2) Each appointing authority of an agency with 100 or fewer authorized permanent full-time equivalent positions is encouraged to employ persons who, at the time determined under sub. (4), receive aid under s. 49.19, or benefits under s. 49.147 (3) to (5), to attempt to make the ratio of those persons occupying permanent positions in the agency to the total number of persons occupying permanent positions in the agency equal to the ratio of the average case load receiving aid under s. 49.19, or benefits under s. 49.147 (3) to (5), in this state in the previous fiscal year to the average number of persons in the state civilian labor force in the preceding fiscal year, as determined by the department of ~~industry, labor and job~~ workforce development.

SECTION 194. 234.49 (1) (c) of the statutes is amended to read:

234.49 (1) (c) “Eligible beneficiary” means a person for whom the authority has not received a certification from the department of ~~industry, labor and job~~ workforce development under s. 49.855 (7) or a family who or which falls within the income limits specified in par. (f).

SECTION 195. 236.335 of the statutes is amended to read:

236.335 Prohibited subdividing; forfeit. No lot or parcel in a recorded plat may be divided, or used if so divided, for purposes of sale or building development if the resulting lots or parcels do not conform to this chapter, to any applicable ordinance of the approving authority or to the rules of the department of ~~industry, labor and job~~ workforce development under s. 236.13. Any person making or causing such a division to be made shall forfeit not less than \$100 nor more than \$500 to the approving authority, or to the state if there is a violation of this chapter or the rules of the department of ~~industry, labor and job~~ workforce development.

SECTION 196. 301.45 (9) of the statutes, as created by [1995 Wisconsin Act 440](#), is amended to read:

301.45 (9) COOPERATION. The department of health and family services, the department of ~~industry, labor and job~~ workforce development, the department of transportation and all circuit courts shall cooperate with the department of corrections in obtaining information under this section.

SECTION 197. 303.07 (7) of the statutes is amended to read:

303.07 (7) If any inmate of a reforestation camp, in the performance of work in connection with the maintenance of the camp, is injured so as to be permanently incapacitated, or to have materially reduced earning power, the inmate may upon discharge be allowed and paid such compensation as the department of ~~industry, labor and job~~ workforce development finds the inmate entitled to. The inmate shall be compensated on the same basis as if the injury had been covered by ch. 102, except that the total paid to any such inmate shall not exceed \$1,000 and may be paid in instalments. If the inmate is from an adjoining county such county shall pay such compensation. In case of dispute the procedure for hearing, award and appeal shall be as set forth in ss. 102.16 to 102.26.

SECTION 198. 303.21 (1) (a) of the statutes is amended to read:

303.21 (1) (a) If an inmate of a state institution, in the performance of assigned work is injured so as to be permanently incapacitated or to have materially reduced earning power, the inmate may, upon being released from such institution, either upon parole or upon final discharge, be allowed and paid such compensation as the department of ~~industry, labor and job~~ workforce development finds the inmate entitled to. The inmate shall be compensated on the same basis as if the injury had been covered by ch. 102, except that the total paid to any inmate may not exceed \$10,000 and may be paid in instalments. If the injury results from employment in a prison industry, the payment shall be made from the revolving appropriation for its operation. If there is no revolving appropriation, payment shall be made from the general fund. In case of dispute, the procedure for hearing, award and appeal shall be as set forth in ss. 102.16 to 102.26.

SECTION 199. 443.06 (2) (e) of the statutes is amended to read:

443.06 (2) (e) A record of satisfactory completion of an apprenticeship training course in land surveying prescribed by the department of ~~industry, labor and job~~ workforce development, of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors’ certificates that are submitted to the land surveyor section before July 1, 2000.

SECTION 200. 443.06 (2) (em) of the statutes is amended to read:

443.06 (2) (em) Evidence satisfactory to the land surveyor section that he or she has completed an apprenticeship training course in land surveying prescribed by the

department of ~~industry, labor and job~~ workforce development, and has engaged in a period of additional land surveying practice of satisfactory character that indicates that the applicant is competent to practice land surveying and that, when added to the period of the apprenticeship, totals at least 8 years of land surveying practice, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section after June 30, 2000.

SECTION 201. 445.095 (3) of the statutes is amended to read:

445.095 (3) All apprentices shall be governed by ch. 106 and apprenticeship rules of the department of ~~industry, labor and job~~ workforce development.

SECTION 202. 454.10 (1) of the statutes is amended to read:

454.10 (1) All apprentices shall be indentured and shall be governed by s. 106.01, the apprenticeship rules of the department of ~~industry, labor and job~~ workforce development and the rules of the examining board.

SECTION 203. 560.15 (1) (intro.) of the statutes is amended to read:

560.15 (1) (intro.) The department, with the advice and assistance of the community response committees created under sub. (3), and in cooperation with the department of ~~industry, labor and job~~ workforce development, shall perform the responsibilities under sub. (2) if the following conditions are met:

SECTION 204. 560.15 (1) (b) 1. of the statutes is amended to read:

560.15 (1) (b) 1. The department of ~~industry, labor and job~~ workforce development under s. 109.07 (1m).

SECTION 205. 560.15 (3) (c) 6. of the statutes is amended to read:

560.15 (3) (c) 6. A district office of the department of ~~industry, labor and job~~ workforce development.

SECTION 206. 560.73 (1) (i) 1. of the statutes is amended to read:

560.73 (1) (i) 1. Whether a grant diversion project has been established in the county in which the area is located and, if a grant diversion project has not been established, how the local governing body intends to work with the county and the department of ~~industry, labor and job~~ workforce development to establish a grant diversion project.

SECTION 207. 560.73 (1) (i) 2. of the statutes is amended to read:

560.73 (1) (i) 2. How the local governing body will work with the county and department of ~~industry, labor and job~~ workforce development to promote and encourage participation in the grant diversion project by employers in the development zone.

SECTION 208. 560.75 (11) of the statutes is amended to read:

560.75 (11) For the purposes of s. 49.193 (5), notify the department of ~~industry, labor and job~~ workforce development when a development zone has been established and of which local governing body helps administer the development zone.

SECTION 209. 560.795 (3) (e) of the statutes is amended to read:

560.795 (3) (e) For purposes of s. 49.193 (5), notify the department of ~~industry, labor and job~~ workforce development of the designation of an area as a development opportunity zone and of the local governing body of the area.

SECTION 210. 560.797 (4) (e) of the statutes is amended to read:

560.797 (4) (e) For purposes of s. 49.193 (5), the department shall notify the department of ~~industry, labor and job~~ workforce development of the designation of an area as an enterprise development zone and of the governing body of any city, village, town or federally recognized American Indian tribe or band in which the area is located.

SECTION 211. 565.30 (5) of the statutes is amended to read:

565.30 (5) **WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS OWED THE STATE.** The administrator shall report the name, address and social security number of each winner of a lottery prize equal to or greater than \$1,000 to the department of revenue to determine whether the payee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered payment of child support or has a debt owing to the state. Upon receipt of a report under this subsection, the department of revenue shall first ascertain based on certifications by the department of ~~industry, labor and job~~ workforce development under s. 49.855 (2) whether any person named in the report is currently delinquent in court-ordered payment of child support and shall next certify to the administrator whether any person named in the report is delinquent in court-ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is delinquent both in payments for state taxes and in court-ordered payments of child support, or is delinquent in one or both of these payments and has a

debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee.

SECTION 212. 565.30 (5m) of the statutes is amended to read:

565.30 (5m) **WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR FAMILY SUPPORT.** The administrator shall report to the department of ~~industry, labor and job~~ workforce development the name, address and social security number of each winner of a lottery prize that is payable in instalments. Upon receipt of the report, the department of ~~industry, labor and job~~ workforce development shall certify to the administrator whether any payee named in the report is obligated to provide child support, spousal support, maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25, 767.26, 767.261, 767.465 (2m), 767.51 (3) or 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize under s. 767.265. The administrator shall withhold the certified amount from each payment made to the winner and remit the certified amount to the department of industry, labor and job development.

SECTION 213. 626.12 (3) of the statutes is amended to read:

626.12 (3) **PHYSICAL IMPAIRMENT.** Rates or rating plans may not take into account the physical impairment of employees. Any employer who applies or promotes any oppressive plan of physical examination and rejection of employees or applicants for employment shall forfeit the right to experience rating. If the department of ~~industry, labor and job~~ workforce development determines that grounds exist for such forfeiture it shall file with the commissioner a certified copy of its findings, which shall automatically suspend any experience rating credit for the employer. The department shall make the determination as prescribed in s. 103.005 (5) (b) to (f), (6) to (11), (13) (b) to (d) and (16), so far as such subsections are applicable, subject to review under ch. 227. Restoration of an employer to the advantages of experience rating shall be by the same procedure.

SECTION 214. 626.125 (3) of the statutes is amended to read:

626.125 (3) The bureau shall report annually to the commissioner and the secretary of ~~industry, labor and job~~ workforce development on the status of the program under this section. The report shall include an evaluation of the degree of success achieved by each loss management firm approved under sub. (2) in reducing the worker's compensation loss experience of its clients participating in the program.

SECTION 215. 626.32 (1) (a) of the statutes is amended to read:

626.32 (1) (a) *General.* Every insurer writing any insurance specified under s. 626.03 shall report its insurance in this state to the bureau at least annually, on forms

and under rules prescribed by the bureau. The bureau must file, pursuant to rules adopted by the department of ~~industry, labor and job~~ workforce development, a record of such reports with the department. No such information may be made public by the bureau or any of its employees except as required by law and in accordance with its rules.

SECTION 216. 645.47 (1) (a) of the statutes is amended to read:

645.47 (1) (a) *General requirements.* The liquidator shall give notice of the liquidation order as soon as possible by first class mail and either by telegram or telephone to the insurance commissioner of each jurisdiction in which the insurer is licensed to do business, by first class mail and by telephone to the department of ~~industry, labor and job~~ workforce development of this state if the insurer is or has been an insurer of worker's compensation, by first class mail to all insurance agents having a duty under s. 645.48, by first class mail to the director of state courts under s. 601.53 (1) if the insurer does a surety business and by first class mail at the last-known address to all persons known or reasonably expected from the insurer's records to have claims against the insurer, including all policyholders. The liquidator also shall publish a class 3 notice, under ch. 985, in a newspaper of general circulation in the county in which the liquidation is pending or in Dane county, the last publication to be not less than 3 months before the earliest deadline specified in the notice under sub. (2).

SECTION 217. 767.001 (1d) of the statutes is amended to read:

767.001 (1d) "Department" means the department of ~~industry, labor and job~~ workforce development.

SECTION 218. 769.31 (1) of the statutes is amended to read:

769.31 (1) The department of ~~industry, labor and job~~ workforce development is the state information agency under this chapter.

SECTION 219. 893.44 (2) of the statutes is amended to read:

893.44 (2) An action to recover wages under s. 109.09 shall be commenced within 2 years after the claim is filed with the department of ~~industry, labor and job~~ workforce development or be barred.

SECTION 220. 905.15 (1) of the statutes is amended to read:

905.15 (1) An employee of the department of health and family services, the department of ~~industry, labor and job~~ workforce development or a county department under s. 46.215, 46.22 or 46.23 or a member of a governing body of a federally recognized American Indian tribe who is authorized by federal law to have access to or awareness of the federal tax return information of another in the performance of duties under s. 49.19 or 49.45 or [7 USC 2011 to 2049](#) may claim privilege to refuse to disclose the information and the source or method by which

he or she received or otherwise became aware of the information.

SECTION 221. 938.342 (1) (e) of the statutes is amended to read:

938.342 (1) (e) Order the department of ~~industry, labor and job~~ workforce development to revoke, under s. 103.72, a permit under s. 103.70 authorizing the employment of the person.

SECTION 222. 940.207 (title) of the statutes is amended to read:

940.207 (title) Battery or threat to department of commerce or department of ~~industry, labor and job~~ workforce development employee.

SECTION 223. 940.207 (2) (intro.) of the statutes is amended to read:

940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to cause bodily harm to the person or family member of any department of commerce or department of ~~industry, labor and job~~ workforce development official, employee or agent under all of the following circumstances is guilty of a Class D felony:

SECTION 224. 940.207 (2) (a) of the statutes is amended to read:

940.207 (2) (a) At the time of the act or threat, the actor knows or should have known that the victim is a department of commerce or department of ~~industry, labor and job~~ workforce development official, employee or agent or a member of his or her family.

SECTION 225. 946.15 (1) of the statutes is amended to read:

946.15 (1) Any employer, or any agent or employee of an employer, who induces any person who seeks to be or is employed pursuant to a public contract as defined in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of ~~industry, labor and job~~ workforce development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive or return any part of the compensation to which that person is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department or local governmental unit, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project on which a prevailing wage rate determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which the employee works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class E felony.

SECTION 226. 946.15 (2) of the statutes is amended to read:

946.15 (2) Any person employed pursuant to a public contract as defined in s. 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination

has been issued by the department of ~~industry, labor and job~~ workforce development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer or agent of the employer any part of the compensation to which the employee is entitled under his or her contract of employment or under the prevailing wage determination issued by the department or local governmental unit, or who gives up any part of the compensation to which he or she is normally entitled for work on a project on which a prevailing wage rate determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which the person works part-time on a project on which a prevailing wage rate determination has been issued and part-time on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.

SECTION 227. 946.15 (3) and (4) of the statutes are amended to read:

946.15 (3) Any employer or labor organization, or any agent or employee of an employer or labor organization, who induces any person who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of ~~industry, labor and job~~ workforce development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to permit any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from the person's pay is guilty of a Class E felony, unless the deduction would be permitted under [29 CFR 3.5](#) or [3.6](#) from a person who is working on a project that is subject to [40 USC 276c](#).

(4) Any person employed on a project on which a prevailing wage rate determination has been issued by the department of ~~industry, labor and job~~ workforce development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the deduction would be permitted under [29 CFR 3.5](#) or [3.6](#) from a person who is working on a project that is subject to [40 USC 276c](#).

SECTION 228. 973.05 (5) (g) of the statutes is amended to read:

973.05 (5) (g) No employer may use an assignment under sub. (4) (b) as a basis for the denial of employment to a defendant, the discharge of an employee or any disciplinary action against an employee. An employer who denies employment or discharges or disciplines an employee in violation of this paragraph may be fined not more than \$500 and may be required to make full restitu-

tion to the aggrieved person, including reinstatement and back pay. Restitution shall be in accordance with s. 973.20. An aggrieved person may apply to the district attorney or to the department of ~~industry, labor and human relations~~ workforce development for enforcement of this paragraph.

SECTION 229. 978.05 (4m) of the statutes is amended to read:

978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the department of ~~industry, labor and job work-~~

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force development regarding the fraud investigation program under s. 49.197 (1m).

SECTION 230. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 301.45 (9) of the statutes takes effect on June 1, 1997.

(2) The repeal and recreation of sections 46.495 (1) (d), 46.495 (1) (dc), 46.495 (1) (f) 1., 48.57 (3m) (d) and 48.57 (3m) (e) of the statutes takes effect on July 1, 1997.